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# NATIONAL ENERGY BOARD REASONS FOR DECISION

In the Matter of Applications under  
The National Energy Board Act of

Foothills Pipe Lines (Alta.) Ltd.

For the Taking of  
Additional Lands

April 6, 1981







NATIONAL ENERGY BOARD

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NATIONAL ENERGY BOARD

IN THE MATTER of an application dated the 6th day of February, 1981 by Foothills Pipe Lines (Alta.) Ltd. for Authority to take Additional Lands, required for the Construction, Maintenance and Operation of a Pipeline, pursuant to section 74 of the National Energy Board Act.

Northern Pipeline Agency File No. 8265.

Heard in the City of Calgary, in the Province of Alberta, on the 17th day of March, 1981.

BEFORE:

W.A. Scotland, Designated Officer  
Northern Pipeline Agency,

pursuant to the powers, duties and functions delegated to him by the National Energy Board in its Order No. NPC-1-78, dated the 27th day of July, 1978.

APPEARANCES:

G.E. Anderson	Foothills Pipe Lines (Alta.) Ltd.
L.G. Ganne	Northern Pipeline Agency



## THE APPLICATION

Foothills Pipe Lines (Alta.) Ltd. [Foothills (Alta.)] applied to the National Energy Board [the Board] in this application for authority to take additional lands within two tracts along its proposed right-of-way within Zone 6<sup>(1)</sup> between kilometre posts 1+ 144.1 and 2+ 193.7. One tract is owned by Leonard E. Paget and Norma E. Paget, the other tract is owned by the Alberta Department of Energy and Natural Resources and occupied by Leonard E. Paget and Norma E. Paget.

The application would provide Foothills (Alta.) with a pipeline right-of-way of 29 metres (95.1 feet) in breadth. In addition, Foothills (Alta.) is applying for 10.0 metres (32.8 feet) of temporary working space next to its right-of-way.

Foothills (Alta.) classified the additional lands applied for into two categories of linear land use:

Schedule "A" lands, being additional right-of-way on which Foothills (Alta.) may carry on pipeline construction and maintenance including ditching and installation of pipeline.

Schedule "B" lands, being temporary working space which would be used only during construction of the pipeline.

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(1) Zone 6 is described in Annex II to Schedule I to the Northern Pipeline Act as the route from Caroline, Alberta to the Alberta-Saskatchewan Border near Empress, Alberta.





EVIDENCE

Foothills (Alta.) applied to the Board for leave to have its evidence, presented at the National Energy Board Hearing held in Olds, Alberta on January 29, 1981, received in evidence at this hearing. The hearing held in Olds considered applications along the same general part (construction section 1) of the Foothills (Alta.) pipeline and was attended by Mr. Leonard E. Paget who registered an appearance. The Designated Officer granted leave to receive the evidence of the Olds hearing into this hearing.

Foothills (Alta.) entered evidence that Leonard E. Paget and Norma E. Paget and the Department of Energy and Natural Resources of the Province of Alberta had been duly served with Notice of this Hearing as required by Order No. NP-MH-2-81 dated the 16th day of February, 1981. Counsel for the Board stated that a telephone conversation with Mrs. Norma E. Paget on the morning of the Hearing indicated that neither she nor her husband, Leonard E. Paget, would appear at the Hearing; nor did they.



VIEWS OF THE DESIGNATED OFFICER

The evidence presented by Foothills (Alta.) in this application and at the Olds Hearing to support its request for additional lands demonstrated a need for the additional lands, which evidence and the Board's findings thereon are more particularly set out in the Board's 'Reasons for Decision' dated March 6, 1981. The additional permanent right-of-way requested by Foothills (Alta.) is justified having in mind the size of the pipeline and the need to conserve topsoil. The need for the additional temporary working space was also justified to my satisfaction.


I conclude that Foothills (Alta.) requires the additional lands requested in the application for the efficient construction, maintenance and operation of its proposed pipeline.





DECISION

Having considered the evidence and argument presented to me with respect to the application of Foothills (Alta.) for leave to take additional lands and the fact that no person appeared to oppose this application, and having taken into account all matters that appear to me to be relevant, I am satisfied that granting permission to Foothills (Alta.) to take the additional lands requested is necessary for the efficient construction, maintenance and operation of its proposed pipeline. I, therefore have issued orders authorizing the taking of such lands.

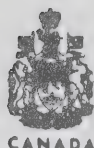
  
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W.A. Scotland  
Designated Officer  
Northern Pipeline Agency

Calgary, Alberta April 6, 1981





NATIONAL ENERGY BOARD



OFFICE NATIONAL DE L'ÉNERGIE

ORDER NO. NP-MH-2-81

IN THE MATTER OF the National Energy Board Act  
and the Regulations made thereunder; and

IN THE MATTER OF an application made by Foot-  
hills Pipe Lines (Alta.) Ltd. (hereinafter  
called "the Applicant") for authority to take,  
without the consent of the owners, certain  
additional lands required for the construc-  
tion, maintenance and operation of the pipe-  
line of the Applicant pursuant to the provi-  
sions of section 74 of the said Act; and

IN THE MATTER OF ORDER NO. NPO-1-78, dated the  
27th day of July, 1978, made by the National  
Energy Board pursuant to the provisions of  
subsection 6(1) of the Northern Pipeline Act,  
whereby the Board did delegate to William  
Alexander Scotland as Designated Officer,  
Northern Pipeline Agency, certain of its  
powers, duties and functions under the  
National Energy Board Act, including the  
provisions of section 74 of the said Act, in  
respect of the pipeline referred to in  
subsection 2(1) of the Northern Pipeline Act.

Agency File No. 8265.

B E F O R E the Designated Officer on Monday, the 16th day of February,  
1981.



- 2 -

UPON reading the application, dated the 6th day of February, 1981, made by the Applicant:

IT IS ORDERED THAT

1. The Application will be heard in Board Room 403, in the offices of the Northern Pipeline Agency, located in Suite 400, Shell Centre, 400 Fourth Avenue South West, in the City of Calgary, in the Province of Alberta, on the 17th day of March, 1981, commencing at the hour of 10:00 A.M. local time.
2. Notice of the hearing shall forthwith be given by the Applicant by service of a true copy of this Order, together with a copy of the Notice of Hearing annexed hereto, and of the application filed, upon the Attorney General of the Province of Alberta, the Canadian Federation of Agriculture (at 111 Sparks Street, Ottawa, Ontario), Unifarm (at 9934-106th Street, Edmonton, Alberta) and the owners or possessors of the additional lands required, not less than twenty-one (21) days prior to the date set down for the hearing, and the Applicant shall, upon such hearing, furnish to the Designated Officer, Northern Pipeline Agency, copies of such notices with the affidavits of the service thereof.
3. Any respondent or intervenor intending to oppose or intervene in the application shall file, on or before the 11th day of March, 1981, with the Designated Officer, Northern Pipeline Agency, four (4) copies of a written statement containing his/her reply or submission, together with any supporting information, particulars or documents, which shall contain a concise statement of the facts from which the nature of the respondent's or intervenor's interest in the proceedings may be determined, which may admit or deny any or all of the facts alleged in the application, and which shall be endorsed with the name

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- 3 -

and address of the respondent or intervenor or his/her solicitor to whom communications may be sent. Any respondent or intervenor shall, in addition, serve three (3) copies of his/her reply or submission, and supporting information, particulars or documents upon the Applicant and one (1) copy each upon the Attorney General of the Province of Alberta, the Canadian Federation of Agriculture (at 111 Sparks Street, Ottawa, Ontario) and Unifarm (at 9934-106th Street, Edmonton, Alberta).

4. Any interested party may examine a copy of the application and the submissions filed therewith at the office of:


Northern Pipeline Agency  
4th Floor - Shell Centre  
400 Fourth Avenue South West  
Calgary, Alberta T2P 0J4

or at the office of the Applicant's Agent:

The Alaska Project Division of  
NOVA, AN ALBERTA CORPORATION  
104 Fourth Avenue South East  
Calgary, Alberta T2P 2M7  
(Please contact D.T. Rigby,  
Supervisor, Regulatory Affairs).

Dated at the City of Calgary, in the Province of Alberta,  
this 16th day of February, 1981.

NATIONAL ENERGY BOARD

  
W.A. Scotland  
Designated Officer,  
Northern Pipeline Agency.

NP-MH-2-81





NATIONAL ENERGY BOARD  
NOTICE OF HEARING

TAKE NOTICE that pursuant to the National Energy Board Act and the Regulations made thereunder, the Designated Officer, Northern Pipeline Agency, has ordered a hearing to be held in Board Room 403, in the offices of the Northern Pipeline Agency, located in Suite 400, Shell Centre, 400 Fourth Avenue South West, in the City of Calgary, in the Province of Alberta, on the 17th day of March, 1981, commencing at the hour of 10:00 A.M. local time, to hear the application of Foothills Pipe Lines (Alta.) Ltd. for leave to take, without the consent of the owners, certain additional lands pursuant to the provisions of section 74 of the Act consisting of:

- (a) "Additional Right-of-Way", containing by admeasurement approximately 1.123 hectares (about 2.78 acres), and
- (b) "Temporary Working Space", containing by admeasurement approximately 1.06 hectares (about 2.62 acres),

in the North Half of Section 24, Township 34, Range 6, West of the 5th Meridian, in the Province of Alberta,

required for the efficient construction, maintenance and operation of the pipeline referred to in subsection 2(1) of the Northern Pipeline Act and as more particularly described in the said application.

AND THE DESIGNATED OFFICER, NORTHERN PIPELINE AGENCY, HAS FURTHER ORDERED THAT:

1. Any respondent or intervenor intending to oppose or intervene in the application shall file, on or before the 11th day of March, 1981, with the Designated Officer, Northern Pipeline Agency, four (4) copies of a written statement containing his/her reply or submission,



- 2 -

together with any supporting information, particulars or documents, which shall contain a concise statement of the facts from which the nature of the respondent's or intervenor's interest in the proceedings may be determined, which may admit or deny any or all of the facts alleged in the application, and which shall be endorsed with the name and address of the respondent or intervenor or his/her solicitor to whom communications may be sent. Any respondent or intervenor shall, in addition, serve three (3) copies of his/her reply or submission, and supporting information, particulars or documents upon the Applicant and one (1) copy each upon the Attorney General of the Province of Alberta, the Canadian Federation of Agriculture (at 111 Sparks Street, Ottawa, Ontario) and Unifarm (at 9934 - 106th Street, Edmonton, Alberta).

2. Any interested party may examine a copy of the application and the submissions filed therewith at the office of:

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The Alaska Project Division of  
NOVA, AN ALBERTA CORPORATION  
104 Fourth Avenue South East  
Calgary, Alberta  
T2P 2M7  
(Please contact D.T. Rigby  
Supervisor, Regulatory Affairs).

DATED at the City of Calgary, in the Province of Alberta,  
this 16th day of February, 1981.

NATIONAL ENERGY BOARD

"W. A. Scotland"  
W. A. Scotland  
Designated Officer,  
Northern Pipeline Agency.







